



May 5, 2020

**BY E-MAIL**

Jennifer Jones Austin, Chair  
Members of the Board  
NYC Board of Correction  
1 Centre Street, Room 2213  
New York, NY 10007

**Re: May 12, 2020 Board Meeting**

Dear Chair Jones Austin and Members of the Board:

We are deeply concerned by the lack of transparency regarding conditions in the jails during this pandemic. The Department of Correction presents a view of jail conditions that is completely at odds with what is reported by people inside the jails, both correction staff and incarcerated people. The Department's rosy presentation of the availability of personal protective equipment, access to cleaning supplies, and conditions in housing units has resulted in judges denying release of people who are vulnerable to COVID-19. We implore the Board to take immediate action to determine the true state of conditions in each of the city jails.

We appreciate the actions the Board has taken during this crisis, including the Board's call for the release of more than 2,000 incarcerated people and the Board's daily updates about the spread of COVID-19 in the jails. We understand that Board staff are not working in the jails during this crisis. We ask that the Board report on how staff are monitoring conditions inside the jails and when you plan for your staff to return to the jails.

It is essential that the Board report at the May 12 meeting its assessment of conditions based on its own firsthand observations. Board members, especially the new chair, must make monitoring visits to the jails to conduct such an assessment.

In addition, we call on the Board to require Correctional Health Services (CHS) to report on specific aspects of healthcare delivery and discharge planning during the pandemic. We recognize the challenge CHS has faced in responding to this pandemic and its efforts to promote the release of vulnerable people and provide care for those who remain incarcerated. But the public deserves a full report on the current state of healthcare in the jails. We provided the enclosed questions to

CHS, and we ask that you require CHS to include responding to these questions in its presentation at the May 12 meeting.

We also ask that you require the Department of Correction to respond to the specific questions we posed in our enclosed letter. This information is essential for people who are incarcerated, their family members, and advocates.

Thank you for considering our request. Please contact Jennifer Parish at [jparish@urbanjustice.org](mailto:jparish@urbanjustice.org) or Liz Mayers at [emayersnyc@verizon.net](mailto:emayersnyc@verizon.net) with any questions about this letter.

Sincerely,

Jails Action Coalition

cc: Margaret Egan, Executive Director



May 5, 2020

**BY E-MAIL**

Patricia Yang, DrPH  
Senior Vice President for Correctional Health Services  
NYC Health + Hospitals  
55 Water Street, 18th Floor  
New York, New York 10041

**Re: May 12, 2020 Board Meeting**

Dear Dr. Yang:

We are concerned that incarcerated people, their families and friends, and their attorneys and other service providers do not have accurate information about the current state of health care in the city jails. During the pandemic, there have been many changes to procedures. We ask that Correctional Health Services update stakeholders at the May 12<sup>th</sup> Board of Correction meeting.

The following questions are based on information we have received from people inside the jails and their families. Please address these questions during your presentation to the Board:

- What is the total number of COVID-19 tests performed? Total number of positive results? Total number of hospitalizations for COVID-19? Total number of individuals placed on respirators?
- How many days are people who test positive for COVID-19 quarantined before being brought back to their original housing unit? How many days are people who are symptomatic quarantined?
- What is the cleaning protocol for placing individuals in cells or areas where previous COVID-positive individuals are placed?
- If someone who is scheduled to see medical does not get seen, are they moved to top priority for the following day, or are they expected to request another visit? What happens when a person requests a medical appointment but cannot be seen the following day? Are they notified about when they will be seen? Do they need to make another request to be seen? How does CHS track missed appointments and requests made through the CHS hotline number?

- We have received complaints that the telehealth number just rings or the call goes to voicemail. Are there times when CHS staff are expected to answer the telehealth line? Who is monitoring whether calls are answered and whether there is follow-up on voicemail messages? What oversight is in place as telehealth rolls out?
- We have received reports that at the beginning of telehealth calls, there is a notice that states the call is being recorded. When a person calls telehealth, is their call recorded? If so, who has access to that recording?
- If someone is in a mental health crisis, what should they do to receive immediate help?
- We have received complaints that people with mental health needs are not meeting with mental health clinicians frequently enough – or in some instances, at all – and that people are not able to access psychiatric staff to address medication issues. What is the process for individuals to make these complaints known? How are complaints addressed? What do advocates need to know to assist their clients in accessing mental health treatment?
- How many people with a serious mental illness designation remain in DOC custody?
- What is the COVID-19 discharge protocol for those with mental health concerns currently taking medication? What is the COVID-19 discharge protocol for those with other health concerns currently taking medication? Who is responsible for making sure they have the correct supply of medication and a prescription upon release?
- How many staff are assigned to provide discharge planning services to people receiving mental health treatment, and how many are currently working in that capacity? How many were reassigned due to the COVID-19 pandemic? How many staff are assigned to provide discharge planning services to people receiving other medical treatment, and how many are currently working in that capacity? How many were reassigned due to the COVID-19 pandemic?
- Where can people with mental health and other health needs seek follow-up assistance if released without proper discharge planning?
- How does CHS staff the jails from 10 p.m. to 5 a.m.? What is the range of staff expertise available during those hours? How does the staffing differ from pre-COVID levels?
- Has CHS run out of any medications in the past 90 days? If so, what medications? What was done to address the shortage of medication?
- How many sexual assaults have been reported in 2020? How many vaginal exams have been conducted for 2020? How does that compare for the same period last year?

If you have any questions about this request for information, please contact Sarita Daftary-Steel at [daftarysarita@gmail.com](mailto:daftarysarita@gmail.com) or Victoria Phillips at [info@visionaryv.com](mailto:info@visionaryv.com).

Sincerely,

Jails Action Coalition

cc: Margaret Egan, Executive Director



May 5, 2020

**BY E-MAIL**

Commissioner Cynthia Brann  
Department of Correction  
75-20 Astoria Blvd.  
East Elmhurst, NY 11370

**Re: May 12, 2020 Board Meeting**

Dear Commissioner Brann:

We are concerned that the Department of Correction has not been transparent about jail operations during this pandemic. Incarcerated people, their families and friends, and the defense bar and other stakeholders have not received accurate information about how the city jails are functioning. We ask that you update stakeholders at the May 12<sup>th</sup> Board of Correction meeting.

The following questions are based on information we have received from people inside the jails and their families. Please address these questions in your presentation to the Board:

- What is the total number of COVID-19 tests performed? Total number of positive results? Total number of hospitalizations for COVID-19? Total number of individuals placed on respirators?
- What is the cleaning protocol for placing individuals in cells or areas where previous COVID-positive individuals are placed?
- How often are the phones cleaned by DOC staff? What supplies are provided for incarcerated individuals to clean the phone before using it?
- How do incarcerated individuals access cleaning supplies, and what specific supplies are available to them? How much soap is provided weekly?
- What is being done to create physical distance in dorms where the beds are approximately 2.5 feet apart?
- What is the maximum capacity for housing units during the COVID-19? What oversight is DOC providing to ensure that housing units do not exceed that number?

- Is DOC monitoring the length of time an incarcerated individual is removed from their housing unit due to quarantine for COVID-19 before being brought back to their original unit? If so, what is the average number of days an individual is quarantined?
- How does the Department respond when uniform staff become ill? What is done to determine their exposure to the incarcerated population? Are officers being made to work sick if they do not have a fever? When staff become ill or unfortunately die from COVID-19, are the units where they previously worked subjected to any quarantine process?
- We have received reports of people trying to file complaints via 311 but being cut off before the complaint is registered. When a person calls 311, is the time spent on the call counted towards their daily allotment of free telephone minutes?
- When a person calls CHS's telehealth hotline, is the time spent on the call counted towards their daily allotment of free telephone minutes?
- We have received reports that at the beginning of telehealth calls, there is a notice that states the call is being recorded. When a person calls telehealth, is their call recorded? If so, who has access to that recording?
- How many people with a serious mental illness designation remain in DOC custody?
- What is the COVID-19 discharge protocol for those with mental health concerns currently taking medication? What is the COVID-19 discharge protocol for those with other health concerns currently taking medication? Who is responsible for making sure they have the correct supply of medication and a prescription upon release?
- How many staff are assigned to provide discharge planning services to people receiving mental health treatment, and how many are currently working in that capacity? How many were reassigned due to the COVID-19 pandemic? How many staff are assigned to provide discharge planning services to people receiving other medical treatment, and how many are currently working in that capacity? How many were reassigned due to the COVID-19 pandemic?
- Where can people with mental health and other health needs seek follow-up assistance if released without proper discharge planning?
- How many sexual assaults have been reported thus far for 2020?

If you have any questions about this request for information, please contact Victoria Phillips at [info@visionaryv.com](mailto:info@visionaryv.com) or Sarita Daftary-Steel at [daftarysarita@gmail.com](mailto:daftarysarita@gmail.com).

Sincerely,

Jails Action Coalition

cc: Margaret Egan, Executive Director